

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SAMUEL LUNDVALL,

Petitioner,

v.

No. 1:17-cv-01080-RB-KRS

MS. CURRY,

Respondent.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Petitioner, Samuel Lundvall, filed this habeas corpus proceeding under 28 U.S.C. § 2241 on October 30, 2017. Petitioner did not pay the \$5.00 filing fee or submit an application to proceed without prepayment of fees or costs pursuant to 28 U.S.C. § 1915. On November 2, 2017, the Court ordered Petitioner to cure this deficiency within 30 days by either paying the \$5.00 or submitting an application to proceed *in forma pauperis*. (Doc. 2). The Order advised Petitioner that, if he failed to cure the deficiency within the 30-day time period, the Court could dismiss this proceeding without further notice. (Doc. 2 at 1). The Court also sent Petitioner the forms for submitting an application under § 1915. (Doc. 2 at 2). More than 30 days has elapsed since entry of the Court's Order to Cure Deficiency, and Petitioner has not paid the \$5 filing fee, submitted an application to proceed under § 1915, or otherwise responded to the Court's November 2, 2017 Order.

Under 28 U.S.C. §§ 1914(a) and 1915(a), the Court is required collect the \$5.00 fee from the Petitioner or authorize Petitioner to proceed without prepayment of the fee. Petitioner has failed to either pay the \$5.00 filing fee or submit an application to proceed under § 1915.

Therefore, the Court will order Petitioner to show cause within thirty (30) days of the date of entry of this Order why this proceeding should not be dismissed for failure to comply with the requirements of 28 U.S.C. §§ 1914 and 1915 and with the Court's November 2, 2017 Order to Cure Deficiency. If Petitioner does not show cause within thirty (30) days, the Court may dismiss this case without further notice.

IT IS, THEREFORE, ORDERED that Petitioner, Samuel Lundvall, show cause, within thirty (30) days of entry of this Order, why his Petition Under 28 U.S.C. § 2241 for Writ of Habeas Corpus should not be dismissed for failure to comply with 28 U.S.C. §§ 1914 and 1915 and with the Court's November 2, 2017 Order to Cure Deficiency.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE